

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2179 of 2021

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M/s Eagle Granite Fatuha Industrial Area, Phase II, (D-19 and D-17 Part) through its Proprietor, Mrs. Dolly Banerjee, female, aged about 64 years, Wife of Late Amalesh Banerjee, Resident of Flat No.68 Narmada Apartment, Exhibition Road, P.S.- Gandhi Maidan, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Industries, Govt. of Bihar, Patna.
2. The Secretary, Department of Industries, Government of Bihar, Patna.
3. The Bihar Industrial Development Authority (BIADA), Gandhi Maidan, Patna through its Managing Director.
4. The Managing Director, The Bihar Industrial Development Authority (BIADA), Gandhi Maidan, Patna.
5. The Executive Director, The Bihar Industrial Development Authority (BIADA), Gandhi Maidan, Patna.
6. The Development Officer, The Bihar Industrial Development Authority (BIADA), Gandhi Maidan, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Siddharth Harsh, Adv
For the Respondent/s : Mr. Abbas Haidar, (SC-6)

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

and

HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH)

Date : 18-01-2022

This application has been taken up for online hearing through video conference because of COVID-19 pandemic restrictions.

This writ application has been filed by M/S Eagle



Granite, Fatuha Industrial Area, through its proprietor seeking quashing of an order dated 06.03.2020 passed by the Secretary, Department of Industries, Government of Bihar, in Appeal Case No. 06 of 2019, whereby the petitioner's appeal against an order dated 29.01.2019 passed by the Managing Director, Bihar Industrial Area Development Authority (in short 'BIADA'), has been rejected. The petitioner has also put to challenge the said order dated 29.01.2019 passed by the Managing Director, BIADA.

It is an admitted case of the petitioner that she is widow of one late Amalesh Banarjee who was allotted 20,000/- square feet plot of land in the industrial by the BIADA for establishing granite marble industry in terms of an allotment letter dated 17.07.1990.

It is the petitioner's case that though a marble industry was established over the said plot, the allottee Amalesh Banarjee suddenly died on 12.09.2004. The petitioner asserts that after demise of her husband, the petitioner became the proprietor of the said M/S Eagle Granite Firm.

It is an admitted fact that the allotment of the said unit was subsequently cancelled because of non-payment of dues to BIADA under OTS Scheme.



It is the petitioner's narration of her case in the writ petition that the then in-charge of Fatuha Industrial Area had introduced the petitioner to one Sudhir Jindal who had offered financial help for carrying on industrial activities on the plot in question. Subsequently, certain disputes arose and said Sudhir Jindal started threatening the petitioner for transferring the unit in his wife's name. It has further been stated that the petitioner subsequently appeared before the Industrial Development Commissioner and the order of cancellation of allotment was set aside. It has further been asserted that after restoration of allotment, said Sudhir Jindal instituted a Title Suit No.- 91/2015 which is pending. Furthermore, the petitioner had subsequently decided to transfer the lease hold right in favour of one M/S Dev Jyoti Vyapaar Private Limited for which she had applied before the BIADA in 2017. The BIADA is said to have considered the said transfer request and asked the petitioner to submit certain documents which she had submitted in October, 2018.

The fact remains that there is no industrial activity on the plot in question admittedly after the demise of the petitioner's husband in 2004.

It manifests from the impugned order of the appellate authority upon consideration of all materials on



record, it has concluded that the appellant before him (the petitioner) miserably failed in offering any reasonable justification for no industrial activity over the plot in the industrial area in breach of the terms of allotment and for non-compliance of an order of the appellate authority. He has recorded that apparently the petitioner did not approach the BIADA with clean hands and was making lame excuses, with a lackadaisical approach. Despite numerous opportunities to the appellant, the petitioner failed to start any industrial activity over the plot and made all endeavor to squat the precious land situated at a prime location and thus has been stagnating the industrialization, as the said chunk of land could have been allotted to intending entrepreneurs.

Learned counsel appearing on behalf of the petitioner has argued that it was because of the petitioner's request to transfer the land pending before the BIADA, the petitioner could not initiate any industrial activity for four long years. He has submitted that if the petitioner is now given an opportunity, she will shortly start industrial activity over the plot in question.

After having considered the order of the appellate authority dated 06.03.2020 and that of the Executive Director,



BIADA dated 12.02.2019, and heard learned counsel for the parties, we don't feel inclined to interfere with the said orders in the background of admitted facts noted above, in exercise of writ jurisdiction under Article 226 of the Constitution, keeping in mind the conduct of the petitioner, failure on its part to start industrial activities and pendency of title suit before the Civil Court. In our opinion, the impugned order cannot be held to be suffering from want of jurisdiction, legal infirmity, irrationality or perversity requiring interference by this Court in writ jurisdiction.

This application is accordingly dismissed, as meritless. There shall be no order as to costs.

(Chakradhari Sharan Singh, J)

(Madhuresh Prasad, J)

SUMIT/-

AFR/NAFR	
CAV DATE	NA
Uploading Date	25.01.2022
Transmission Date	NA

